

# JEROME WAITS SPECIAL JURY IN EQUITABLE CASES

## District-Attorney Expects to Take Up Prosecution on Points that May Be Divulged Through Legislative Committee's Investigation of Scandal.

District-Attorney Jerome announced to-day his intention to use a criminal probe on the Equitable scandal. He gave notice to Justice Davy, in the Criminal Branch of the Supreme Court, that he would ask for the impaneling of a special Grand Jury to investigate the conduct of the Equitable Life Assurance Society's affairs to determine whether or not crime had been committed.

"There were transactions of a character that I think require investigation by the District-Attorney," he said, discussing the disclosures of Supt. Hendricks' report before Justice Davy.

Then he asked that the Court declare a recess until Sept. 11, instead of the usual summer adjournment, so that a special Grand Jury to take up the Equitable matter could be impaneled at any time the evidence brought out before the legislative investigating committee might make necessary.

The District-Attorney intends to co-operate in every way with the legislative investigating committee now in session here. He was greatly pleased to receive an invitation to meet the members of the committee and this afternoon he went to Attorney-General Mayer's law offices and was closeted with the State investigators for an hour.

In asking Justice Davy for a continuance of the summer session the District-Attorney said: "As you no doubt know, there was an investigation by the State Superintendent of Insurance into a large insurance company of this city. The investigation was conducted by the State Superintendent of Insurance, and the results were disclosed to the public. It was a most extraordinary condition of affairs affecting the interests of the people of this community and other parts of the world.

"There were transactions of a character that I think required investigation by the District-Attorney. I received from the Governor of this State a communication stating that, if it was apparent the evidence disclosed was of such character as to come within my jurisdiction he would cause to be furnished to me a transcript of the evidence taken before the State Superintendent of Insurance."

Based on Hendricks' Report. "I got that evidence and have gone over it with great care. Of course, the Superintendent of Insurance is not a prosecuting officer and the inquiry he conducts is to investigate whether the company conducts business as required by the law. While it covered a wide field, there were points inadequate for the purpose of a prosecuting officer. Of course, this is no reflection on the way the examination was conducted.

"Since reading the transcript of the testimony I have made some investigations and inquiries, the result of which leads me to believe further inquiry on the part of the District-Attorney is most necessary and important. I feel it is my duty to make this investigation."

"The Legislature has appointed a committee to investigate the condition of all insurance companies in the State. Such investigation probably will be like that of the Superintendent of Insurance. It is not a body with power to ascertain whether a crime has been committed or not, but to advise legislation to properly safeguard the interests of the citizens.

Asks for Special Grand Jury. "It is my belief, and it is apparent, that such investigation may lead to the disclosure of matters that may make it highly important to the District-Attorney to ascertain whether a crime has been committed or not.

"Pending examination by the legislative committee and a further examination, which I believe is pending, by the Insurance Superintendent, I can not say that a special grand jury is necessary. It is, however, suggested that instead of the Court adjourning sine die, a recess be prolonged until Sept. 11.

"There are facts and circumstances surrounding the whole Equitable matter that are intricate and questions of law are not simple. But it is useless endeavor to settle the law on such subjects until we are fully advised of the facts. It will be the duty of the District-Attorney to investigate the facts for the purpose of finding whether crime has been committed. Justice Davy broke in and asked Mr. Jerome:

"Mr. District-Attorney, do you desire me to enter that order at this time?" Mr. Jerome responded Mr. Jerome. "As I understand it, that order may be obtained from any Justice of the First Department at any time."

The Court was then adjourned until Sept. 11.

### EQUITABLE PROBES MEET.

"Some man of the calibre of Alton B. Parker, Joseph Choate or Frank S. Black is wanted, as counsel to assist in probing the insurance scandal," said Chairman William W. Armstrong of the joint legislative committee, appointed to investigate the insurance situation, before the committee went into session to-day in the offices of Attorney-General Mayer, No. 21 William street.

When the committee finally decides on

# OLD TRICK IS TRIED TO BEAT MRS. MACKAY

## Name of Millionaire's Wife Printed in Two Forms on Ballots.

What looked like a political trick to defeat Mrs. Clarence H. Mackay in her campaign for school trustee was sprung at Roslyn, L. I., to-day. With the voting to begin at 2 P. M., a ticket made its appearance bearing the names of "Mrs. Clarence H. Mackay" and "P. D. Lays, her bitterest opponent. Of the regular tickets, one bears the names of Katherine Mackay and John F. Remsen and the other those of Remsen and Lays.

The joker consists in the fact that under the law a vote for Mrs. Clarence H. Mackay would not be counted as one for Katherine Mackay, and with her vote divided she might be defeated even if a majority wished to elect her. The attack on Mrs. Mackay by her political foes has been fierce and bitter, based largely on what they term her "saddling the town with \$1,000 extra expense," by summoning a State Inspector and having him condemn the sanitary qualifications of the school \$1,000 worth. Dr. J. H. Rosart, President of the Board of Education, who has been a member of that body for twenty-four years, and other members of the present board don't want Mrs. Mackay. They are afraid that she will introduce new and fancied ideas into the education of Roslyn's young folk, and the present board is satisfied to let well enough alone.

At the meeting of the School Board last night the Board criticised the action of State Inspector Downing in coming unannounced, and will write to Albany complaining. Before the polls closed this afternoon Samuel Hopper, former President of the Board, proposed: "She will surely be defeated by the taxpayers."

Against this Mrs. Mackay's campaign manager, Justice Charles A. Remsen, who has had carte blanche, said, "Mrs. Mackay will surely be elected." The women were almost unanimous for Mrs. Mackay in the voting.

Clarence H. Mackay came all the way from Saratoga to vote for his wife. He was met by the superintendent of his estate, Winslow Clarke, who took him in the Mackay automobile directly to the polls. Coming out of the voting place Mackay met Dr. Lays, his wife's opponent, and shook hands with him, saying, "I hope Mrs. Mackay wins."

The first five women to vote cast their ballots for Mrs. Mackay. The voting was brisk and voters were brought to the polls in autos and other vehicles furnished by the candidates.

# JUDGE SCORES MRS. DUKE AND DENIES ALIMONY

## Proof, Says Giegerich, that She, with Others, Makes Practice of Extorting Money.

Justice Giegerich, in the Supreme Court to-day, denied the application of Mrs. Alice Webb Duke for alimony pending the trial of the action brought against her by her husband, Brodie L. Duke, of Durham, N. C., to whom she was married in December, 1903.

In denying the motion for alimony the Court scored Mrs. Duke severely. He said: "That she is a notoriously immoral woman and has been for years, and has continued her immoralities since her marriage I must recognize as established by the decided preponderance of proof."

There is evidence, also, that she and a group of women she consorts with have made a practice of extorting money from men with whom they have had illicit relations.

"She is now suing the plaintiff in an action in which she is represented by her attorneys who demand of her other suit for the sum of \$250,000 for alleged breach of a contract claimed to have been made at about the time of her marriage to him. Aside from the lack of merit in her case, it appears that she is able to procure legal services without the granting of a counsel fee."

"The motion for alimony should also be denied. On the ground that a wife is charged with misconduct and she makes explicit denial thereof under oath the Court are strongly disposed, and properly so, to grant her an allowance for her maintenance as well as for her debt. But in this case, the clearly appears, as in this case, on the clear proof, that the success of the husband in the action is inevitable no such allowance will be made."

"To compel this plaintiff (Duke) to pay further sums of money to this defendant would, in my opinion, be a shocking perversion and abuse of the salutary rule just mentioned."

### TWEED'S SON KILLS SELF IN ASYLUM.

Jumped from Veranda in Convalescent Hospital for Insane—News Kept Secret.

MIDDLETOWN, Conn., Aug. 2.—Through the return filed by an undertaker with the town clerk to-day the fact became public that George W. Tweed, a son of "Boss" William M. Tweed, of New York, committed suicide by jumping from an upper veranda of the Connecticut Hospital for the Insane on July 16.

Tweed was committed to the asylum by Dr. Harrison. His body was taken to New York and buried in Greenwood Cemetery.

# J. PIERPONT MORGAN AS HE IS TO-DAY.

Snapshot of the financier taken by an Evening World photographer just after he landed from the Oceanic.



J. PIERPONT MORGAN

# RUSSIA FAR FROM BEATEN, SAYS WITTE

(Continued from First Page.)

Associated Press correspondent who accompanied him from Cherbourg. M. Witte said:

### Russia Not Helpless.

"Almost everywhere in Europe, as well as in America, not only Russia, her resources and her power of resistance are unknown, and the people are even mistaken about the true results of the war. The Russians have had reverses, but this does not signify that they have lost the power which was known to the Muscovite Empire before the war. It does not mean that Russia has become a negligible quantity, nor that the Japanese have acquired by result of the recent victories such a supremacy as to make the Russian Empire consider them a truly redoubtable enemy."

M. Witte recognizes the good qualities of the Japanese military, naval and administrative organizations and does not believe any other European nation would have been able to resist Japan as Russia has done.

"It must be taken into consideration," said M. Witte, "that the Japanese had been preparing for war for ten years. While Russia was entirely unprepared, the Japanese were not only prepared, but they were fighting in their own neighborhood, under all-favorable conditions, while the Russians had to be sent nine thousand miles to fight a colonial war with all co-efficients against them. There is not in history another example of a similar disproportion between enemies."

### Personal Valor Vain.

"Nevertheless all the foreign officers of the European armies who followed the war are unanimous in affirming that the Russian troops, both soldiers and officers, fought with true, admirable bravery, but they had to withdraw because of a combination of circumstances with which their personal valor could not contend."

"On the sea the Russians found themselves constantly in inferior conditions. The squadron of Rojestvensky was sent against Japan, not because the Russians had much confidence in its success, but because they could not renounce, from a military and moral point of view, any chance, no matter how uncertain of obtaining even a partial victory."

"Suppose for a moment that the war instead of having taken place in Korea or in Manchuria had been fought at the true Russian frontiers. Then the Japanese would not have been able to face the Russian forces for more than six months."

### Cannot Dictate Terms.

"However, even as things stand, the Japanese have not made such progress as is generally believed. In fact, they would have to advance four times as much as they have done in the last year and a half to reach Russia proper, in which case alone they might consider themselves in a position of imposing the conditions of peace."

"But they are very far from this and the more they advance north the more the respective conditions of the Russians and the Japanese will be reversed."

# PATERSON'S MAYOR HIDES IN THIS CITY

## Official Who Disappeared Leaving Shortage of \$10,000 Has Returned.

Mayor William H. Belcher, of Paterson, N. J., who disappeared on Monday when confronted with the probability of having to face charges of obtaining money by false pretenses from several banks and trust companies, did not appear in Paterson to-day.

According to a statement made by Mr. Chalmers, his law partner, Mr. Belcher is in New York. Mr. Chalmers further said that he was coming here to-day to see the Mayor and arrange matters with him. He added that the trust companies had agreed to settle the affair without legal proceedings and that the matter would be soon adjusted.

Mayor Belcher was in communication with friends in Paterson through the morning and promised to return there by 3 o'clock this afternoon. He did not show up. His friends lost hope and have fears for him.

George Furke, a wealthy Paterson man, said, "I had a communication from Mayor Belcher to-day saying he would be here this afternoon. I do not know where he is now, but I believe he is in New York."

"It is absolutely untrue that Mayor Belcher forged the names of Mr. Allen and another man to pass books on which he obtained loans from the banks. Mayor Belcher has had the misfortune to become involved financially, but he has not done a criminal act."

### Friends Rallied to Aid.

In spite of his difficulties and the impairment of his political prestige, Mayor Belcher has the satisfaction of knowing that his friends rallied to his assistance by wholesale when his troubles were disclosed by his flight. That the Bank Examiner had discovered the Mayor's financial transactions needed a lot of explaining and had been made the subject of a special report to the State Banking Commission was a closely guarded secret until yesterday, when Mayor's disappearance became public.

Early to-day a dozen of the most prominent and wealthy citizens of Paterson met in Mayor Belcher's law offices. In the gathering were Bernard Katz, millionaire President of the Paterson Consolidated Brewing Company; George Jackson, George W. Allen, of the Manchester Building and Loan Association, of which Mayor Belcher was president; W. R. Meakle, the Mayor's son-in-law, and Allan Chalmers, his law partner.

After an hour's conference Mr. Chalmers announced that Mr. Belcher's friends were prepared to put up any amount of money to relieve his financial straits—\$10,000, if necessary—but that not one cent would be advanced until Mayor Belcher returned to Paterson.

### No Complaint of Crime.

His assistant, Ralph Shaw, said to-day, "I know nothing of Mayor Belcher's financial trouble except as I have learned them to-day from newspapermen. No complaint has been filed at this office, nor has any basis for complaint been received from the Commissioner of Banking. Mr. Emily will return to the city to-morrow."

In the absence of Mayor Belcher the city of Paterson is without an official head. The charter does not provide for the chairman of the Board of Aldermen assuming the Mayor's functions until the Mayor has been absent from the city for ten days.

# EXAMINERS' REPORT SENT TO PROSECUTORS.

TRENTON, N. J., Aug. 2.—Assistant Commissioner of Banking and Insurance Johnson admitted to-day the Bank Commissioner, after receiving reports from the Bank Examiner regarding the loans and trust companies of that city, had forwarded a synopsis of the report to Prosecutor Emily of Passaic County.

# MOB BATTLES WITH POLICE AT SAN JUAN

SAN JUAN, Porto Rico, Aug. 2.—As an outcome of the longshoremen's strike for an increase of wages to 25 cents an hour, the greater portion of San Juan was in control of a mob for two hours last night.

The mob, about 1,000 armed persons, dug up paving blocks and stones, and with these and other missiles, rushed through the streets fighting the police, who were armed with rifles and fired scores of shots, mostly in the air.

One person was killed and there are forty injured in the hospitals, some of whom will die.

The mob smashed the arc lights in the main streets and put the entire city in total darkness.

At midnight the police, numbering only one hundred, had the situation under control. Reinforcements are expected to-day.

No Extra Charge for It. Advertisements in the World may be left at any American District Telegraph Office in the city until 9 P. M.

# TWO MORTALLY SHOT BY PAIR OF BURGLARS

## Intruders Caught in Bakery Cellar Put Three Bullets Into Proprietor.

Isaac Suder, a baker at No. 119 Roebuck street, Williamsburg, and his assistant, Samuel Bernstein, No. 318 Lorimer street, were shot down by two men supposed to have been bent on burglary in the bakery early to-day. Both men received injuries from which they will die.

Suder, who lives over the bakery with his family, is a man of means. He and Bernstein, according to what the police have been able to learn from the dying men, were in the bakery at 2 A. M. when a noise was heard in the front part of the store. Suder, so Bernstein said, went to investigate.

In the front of the store were two young men. Suder, which could not be heard by Bernstein. Then one of the men, with an oath, whipped out a revolver and fired three times at Suder. The first shot ploughed through his left shoulder, and Suder started to run. When a second shot was fired, the bullet entering his back and lodging in his breast. As Suder fell the man stood over him and fired a third shot into his back. This bullet passed through his body.

### Struck with Iron Bar.

Badly frightened, Bernstein started to run, when one of the men dealt him a blow with an iron bar, staggering him. Bernstein made for the street and started up the stairs leading into the Suder apartments, the men following closely. Twice the man with the revolver fired. The first bullet went through Bernstein's left shoulder, and as he staggered the second bullet entered his side.

Bernstein screamed for help, and the police came from all directions. They found both injured men dying. They were hurried to the Eastern District Hospital, and there Bernstein made a statement. Suder was too far gone to be questioned.

In the bakery the police found a black coat and a gold cap. The garments were undoubtedly the property of the two mysterious men. In a pocket of the coat was found a card showing that John Bernstein, fifteen years old, No. 34 Havensway street, had been injured on July 21 for a gunshot wound at the Eastern District Hospital. Citerio is said to have been shot by Antonio Parker. The case is still pending in police courts.

### Charged with Shooting.

Following this clue, the police went to Citerio's home and found him in bed with Emanuel Alasco. The two were arrested, charged with the shooting. Citerio's father was also held as a witness.

The two younger men were taken to the hospital and there Bernstein, after looking at them, declared that they were his assailants. Bernstein was half delirious and his identification may not be of value.

The police learned that when Citerio was in the hospital he was questioned as to who had shot him. He said then that he would attend to the man himself, and that he had no assistance from the police. He was also heard making threats against a baker.

Who wrote the letter that the assailants of Suder and his helper planned to rob a safe which was kept in Suder's apartment. How the men got into the apartment to rob the safe and how they escaped to lose his coat and hat has not been explained.

### GEN. MILES SEEING BERLIN.

BERLIN, Aug. 2.—Gen. Nelson A. Miles and his son, Lieut. Sherman Miles, are here seeing Berlin, but are not making official calls.



NOT an Optician's test, but a thorough examination by an Oculist—A. W. Brewster, M. D., 217 B'way, (11 years Brooklyn Eye and Ear Hospital) Edw. Johnson, M. D., 1345 B'way, (Many years in private practice) M. Kenyon, M. D., 223 Sixth Ave. (8 years Manhattan Eye and Ear Hospital) Frank G. Esson, M. D., 350 Sixth Ave. (No charge except for medicines and a moderate fee.)

### CANDY

SPECIAL FOR WEDNESDAY. OLD-FASHIONED PEPPERMINTS 10c ASSORTED FRUIT AND NUT CHOCOLATES round 15c SPECIAL FOR THURSDAY. SPANISH PEANUT CACAOES round 10c ASSORTED FRUIT AND NUT CHOCOLATES round 15c

54 BARCLAY ST. COR. CHURCH ST. 29 CENTLAND ST. COR. CHURCH

### Jayne's Expectorant

for all throat and lung troubles

# CARONIA IN, TELLS OF GREAT STORM AT SEA

## Electrical Display and Iceberg Awe Big Ship's Passengers.

Passengers and crew of the steamship Caronia, which arrived to-day, gave graphic descriptions of an electrical storm through which the big Cunarder passed last Sunday when about 1,000 miles out.

Capt. Warr declared to-day that it was the most awe-inspiring display he had ever seen. The storm was preceded by clouds of inky blackness. The wind increased in velocity to sixty miles an hour, while the temperature fell 10 degrees in three hours.

Sunday afternoon the Caronia passed a huge iceberg, close enough for the passengers to see it with their own eyes. The iceberg was a mile long and a quarter of a mile wide. It was a dark, jagged mass of ice, and the ship's searchlight was directed at it. The passengers were awestruck by the sight.

Among the passengers was Laurens Van Alen, son of J. J. Van Alen, the Newport millionaire, who indignantly denied the report that his father was to dispose of his Newport villa and renounce his allegiance to the United States.

"My father was very wrath over the report," said young Van Alen. "He has never for a moment thought of becoming a citizen of any other country."

# MILLIONS OF WOMEN USE



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Assisted by Cuticura Ointment, the great Skin Cure, for preserving, purifying, and beautifying the skin, for cleansing the scalp of crusts, scales, and dandruff, and the stopping of falling hair, for softening, whitening, and soothing red, rough, and sore hands, for baby rashes, itches, and chafings, in the form of baths for annoying irritations and inflammations, or undue perspiration, in the form of washes for ulcerative weaknesses, and for many sanative, antiseptic purposes, which readily suggest themselves, as well as for all the purposes of the toilet, bath, and nursery.

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Salerooms: 39 and 41 Cortlandt Street.

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### LOST, FOUND AND REWARDS.

REWARD of \$250 for information leading to the recovery of a stolen automobile, make of car, color, and other details. Also a reward of \$100 for information leading to the recovery of a stolen automobile, make of car, color, and other details.